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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/721,471

11/26/2003

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ASH03009

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25537 7590 11/24/2010
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EXAMINER

MILLER, ALAN S

ART UNIT

PAPER NUMBER

3624

NOTIFICATION DATE

DELIVERY MODE

11/24/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/721,471	Applicant(s) TOR ET AL.	
	Examiner ALAN MILLER	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 29 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 29 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed 9/20/2010
Claims 1 – 19 and 21 are pending and have been examined.
This action has been made FINAL.

Examiners Note

2. Please note that Examiner Alan Miller is now the examiner of record for this application. Please direct all future communication to him.

Response to Arguments

3. Applicant's arguments filed 9/20/2010 have been fully considered but they are not persuasive.
4. Applicant argues, on page 12, that "Hesse does not disclose or suggest a "visitation" system as recited in claim 1 prior to the current amendment. There is no "visitation" taking place in Hesse since Hesse's teleconference is not a visit between prisoner and participant". Examiner disagrees.

Examiner first notes that Applicant does not provide a specific definition of 'visitation' that would in anyway preclude a teleconference. While an applicant may be his own lexicographer, the MPEP 2111.01 [R-5] states that any special meaning assigned to a term "must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention."

Multiform Desiccants Inc. v. Medzam Ltd., 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432

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(Fed. Cir. 1998). See also *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999) and MPEP 2173.05(a) [R-3]. Further, Hesse explicitly states that the disclosed invention is 'A prisoner visitation system' (see at least column 1, lines 40 – 68). See also FIGS. 7J, 7K, 7L, 7M, 9B, column 8, lines 53 – 68, and so on, which disclose a visitor and visitation. Therefore, one of ordinary skill in the art at the time of the invention would have considered the participants and users of the system of Hesse to be 'visitors' having 'visitations' or 'visits'. The same rational follows for the similar arguments for the other independent claims.

5. Applicant's further arguments with respect to the newly amended limitations to claims 1, 7, 13, 18 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims **1 – 19 and 21** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claims **1, 7, 13, 18 and 21** recite the limitation 'visitation in person with said inmate at a correctional facility in which said inmate is housed'; however, Examiner cannot find the newly amended subject matter in

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Applicant's originally filed specification. The matter than Examiner cannot find includes visitation in person with said inmate at a correctional facility in which said inmate is housed. Correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-19 and 21 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Hesse (US 7,046,779 B2) in view of Doss et al. (U.S. 2004/0093290, hereinafter Doss).

Regarding claim 1, Hesse teaches an inmate visitation system (abstract), comprising:

means for determining via a prison interface if an inmate has visitation privileges (col. 7, lines 30-42, limit participation to qualified participants, col. 9, lines 7-33, TABLE 1, permitted type of visit, privileges and changes in visiting privileges);

means for receiving a visitation request only from an inmate having said visitation privileges for a plurality of potential visitors to attend the same visitation, each of said potential visitors being named in said request by said privileged inmate (col. 7, lines 30-42, limit participation to qualified participants, conferences, registration, col. 9, lines 7-33, Table 1, permitted type of visit, privileges and changes in visiting privileges);

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means for sending a registration request to each of the plurality of potential visitors based upon the received visitation request (col. 7, lines 30-42, limit participation to qualified participants, conferences, registration, col. 4, lines 15-27, registration of users, col. 9, Table 1);

means for receiving registration information from each of said plurality of potential visitors based upon the sent registration request (col. 4, lines 15-27, col. 7, lines 30-42, col. 9, Table 1, col. 14 and 15, Table 2);

means, responsive to operation of said registration information receiving means, for determining whether the visitation request from the privileged inmate is approved or disapproved (col. 4, lines 15-27, col. 7, lines 30-42, col. 9, Table 1, col. 14 and 15, Table 2, business rules governing visitation privileges for prisoners and visitors);

means for communicating the approval or disapproval of the visitation request (col. 4, lines 15-27, col. 7, lines 30-42, col. 9, Table 1, col. 14 and 15, Table 2, business rules governing visitation privileges for prisoners and visitors, col. 7, lines 56-67, col. 8, lines 1-16, notification); and

means, operative in response to said registration receiving means, for permitting one of said plurality of said potential visitors to schedule said same visitation for all of said plurality of potential visitors if said visitation request is approved (fig. 10, scheduling system).

Hesse further discloses transit time allowance, which includes escort and passage through intervening check points (Table 3), and further discloses some conference stations are located in a secure area of the jail for use by visitors (*i.e. at a correctional facility in which the inmate is housed*).

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Hesse may not explicitly disclose the term 'in person' with regards to means for receiving a visitation request.

Doss discloses means for receiving a meeting (i.e. visitation) request for an in person meeting (i.e. in person visitation) (see at least FIG. 1, and ¶0076 - ¶0091, which discloses choices such as "In Person" and "Video Conference" for requesting a visit type).

It would have been obvious to one of ordinary skill in the art to include in the means for receiving a visitation request for a meeting located in a secure area of the jail for use by visitors of Hesse the ability to choose an in person meeting or teleconference meeting request as taught by Doss since the claimed invention is merely a combination of old elements, and one of ordinary skill in the art would have recognized that it would produce a predictable result of using the system to indicate whether or not the meeting is in person, and it would have been further obvious since the systems would behave the same way whether the meeting was in person or in the same facility or with a teleconference.

Regarding claim 2, Hesse teaches means for recording information associated with one or more of the visitation request, the registration request and the visitation approval or disapproval (Table 1, Table 2).

Regarding claim 3, Hesse teaches wherein the means for determining is at least one of a prison official and an analytical process that reviews at least one of historical visitation requests and visitation data (col. 4, lines 15-27, col. 7, lines 30-42, col. 9, Table

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1, col. 14 and 15, Table 2, business rules governing visitation privileges for prisoners and visitors).

Regarding claim 4, Hesse teaches wherein the means for recording further maintains a history of potential visitors including the plurality of potential visitors requested by the privileged inmate (col. 4, lines 15-27, col. 7, lines 30-42, col. 9, Table 1, col. 14 and 15, Table 2, business rules governing visitation privileges for prisoners and visitors).

Regarding claim 5, Hesse teaches wherein the visitation request includes at least one of a name (par. 124), address, telephone number and relationship to the privileged inmate of at least one of the plurality of potential visitors (col. 4, lines 15-27, col. 7, lines 30-42, col. 9, Table 1, col. 14 and 15, Table 2, business rules governing visitation privileges for prisoners and visitors).

Regarding claim 6, Hesse teaches means for scheduling, for approved ones of the potential visitors, an available time to visit the inmate (fig. 10, scheduling process).

Regarding claims 7-12, they are rejected using the same art and rationale used above for rejecting claims 1-6. This is because claims 7-12 claim a method performing the steps carried out by the system of claims 1-6.

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Regarding claim 13, Hesse teaches a computer program product including computer-readable program code for use in a computer, said computer-readable program code comprising:

visitation registration program code executable on said computer only for visitation requests made via a prison interface by inmates having visitation privileges (col. 7, lines 30-42, limit participation to qualified participants, col. 9, lines 7-33, TABLE 1, permitted type of visit, privileges and changes in visiting privileges), said visitation registration program code for

receiving a visitation request from a privileged inmate for a plurality of potential visitors to attend the same visitation, each of said potential visitors being named in said request by said inmate (col. 7, lines 30-42, limit participation to qualified participants, conferences, registration, col. 9, lines 7-33, Table 1, permitted type of visit, privileges and changes in visiting privileges);

automatically approving or disapproving a registration request for each of the plurality of potential visitors, the registration request sent to each of the plurality of potential visitors based upon the visitation request (col. 4, lines 15-27, col. 7, lines 30-42, col. 9, Table 1, col. 14 and 15, Table 2, business rules governing visitation privileges for prisoners and visitors);

recording information associated with at least one of the visitation request and the registration request (table 1, table 2); and

visitation scheduling program code for permitting an approved one of said plurality of potential visitors to schedule an available time for all approved ones of said

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plurality of potential visitors to visit said inmate at said same visitation (fig. 10, scheduling).

Hesse further discloses transit time allowance, which includes escort and passage through intervening check points (Table 3), and further discloses some conference stations are located in a secure area of the jail for use by visitors (i.e. *at a correctional facility in which the inmate is housed*).

Hesse may not explicitly disclose the term 'in person' with regards to receiving a visitation request.

Doss discloses means for receiving a meeting (i.e. visitation) request for an in person meeting (i.e. in person visitation) (see at least FIG. 1, and ¶0076 - ¶0091, which discloses choices such as "In Person" and "Video Conference" for requesting a visit type).

It would have been obvious to one of ordinary skill in the art to include in the receiving a visitation request for a meeting located in a secure area of the jail for use by visitors of Hesse the ability to choose an in person meeting or teleconference meeting request as taught by Doss since the claimed invention is merely a combination of old elements, and one of ordinary skill in the art would have recognized that it would produce a predictable result of using the system to indicate whether or not the meeting is in person, and it would have been further obvious since the systems would behave the same way whether the meeting was in person or in the same facility or with a teleconference.

Regarding claim 14, Hesse teaches wherein the visitation scheduling program code is accessed by an approved potential visitor (see at least FIG. 10).

Regarding claim 15, Hesse teaches wherein the visitation registration program code further comprises communicating disapproval of the registration request in response to the registration request (col. 4, lines 15-27, col. 7, lines 30-42, col. 9, Table 1, col. 14 and 15, Table 2, business rules governing visitation privileges for prisoners and visitors).

Regarding claim 16, Hesse teaches wherein the visitation registration program code further allows the plurality of potential visitors to access a status of the registration request (col. 8, lines 17-33, status of participant, Table 1, Table 2).

Regarding claim 17, Hesse teaches wherein if additional information is needed the visitation registration program code further places the registration request on hold pending the additional information (Table 5, placed on hold while waiting to be scheduled or if denied).

Regarding claim 18, Hesse teaches an automated method to register and schedule a plurality of potential visitors in a given timeslot for a visit with an inmate (abstract), the method comprising:

determining, via a prison interface, if the inmate has visitation privileges (col. 7, lines 30-42, limit participation to qualified participants, col. 9, lines 7-33, TABLE 1, permitted type of visit, privileges and changes in visiting privileges);

receiving, by operational performance of a computer, names of the plurality of potential visitors from a privileged inmate along with a request to provide registration

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information of all said potential visitors in order to schedule the visit between all potential visitors with the privileged inmate (col. 7, lines 30-42, limit participation to qualified participants, conferences, registration, col. 9, lines 7-33, Table 1, permitted type of visit, privileges and changes in visiting privileges);

forwarding said request to each of the plurality of potential visitors (col. 7, lines 30-42, limit participation to qualified participants, conferences, registration, col. 4, lines 15-27, registration of users, col. 9, Table 1);

said each potential visitor supplying its own requested registration information to a sender of the request (col. 4, lines 15-27, col. 7, lines 30-42, col. 9, Table 1, col. 14 and 15, Table 2, business rules governing visitation privileges for prisoners and visitors);

receiving an approval notification for at least one of the plurality of potential visitors to attend said visit (col. 4, lines 15-27, col. 7, lines 30-42, col. 9, Table 1, col. 14 and 15, Table 2, business rules governing visitation privileges for prisoners and visitors);

one of said at least one of the plurality of potential visitors accessing a visitation schedule to enter a proposed visiting time corresponding to the given timeslot to schedule the visit for all said at least one of the plurality of potential visitors with the privileged inmate (fig. 10, scheduling process);

determining whether the privileged inmate is available at the proposed visiting time (fig. 10, col. 4, lines 15-27, col. 7, lines 30-42, col. 9, Table 1, col. 14 and 15, Table 2, business rules governing visitation privileges for prisoners and visitors); and

if the privileged inmate is available during the proposed visiting time, receiving a schedule and confirmation number (fig. 10, notice, col. 7, lines 56-56, col. 8, lines 1-16, notification).

Hesse further discloses transit time allowance, which includes escort and passage through intervening check points (Table 3), and further discloses some conference stations are located in a secure area of the jail for use by visitors (i.e. *at a correctional facility in which the inmate is housed*).

Hesse may not explicitly disclose the term 'in person' with regards to receiving a visitation request.

Doss discloses means for receiving a meeting (i.e. visitation) request for an in person meeting (i.e. in person visitation) (see at least FIG. 1, and ¶0076 - ¶0091, which discloses choices such as "In Person" and "Video Conference" for requesting a visit type).

It would have been obvious to one of ordinary skill in the art to include in the receiving a visitation request for a meeting located in a secure area of the jail for use by visitors of Hesse the ability to choose an in person meeting or teleconference meeting request as taught by Doss since the claimed invention is merely a combination of old elements, and one of ordinary skill in the art would have recognized that it would produce a predictable result of using the system to indicate whether or not the meeting is in person, and it would have been further obvious since the systems would behave the same way whether the meeting was in person or in the same facility or with a teleconference.

Regarding claim 19, Hesse teaches wherein the request is based upon a visitation request supplied by the privileged inmate (fig. 10, col. 4, lines 15-27, col. 7, lines 30-42, col. 9, Table 1, col. 14 and 15, Table 2, business rules governing visitation privileges for prisoners and visitors).

Regarding claim 21, Hesse teaches a computer implemented process comprising:

(a) determining, via a prison interface, if said inmate has visitation privileges (col. 7, lines 30-42, limit participation to qualified participants, col. 9, lines 7-33, TABLE 1, permitted type of visit, privileges and changes in visiting privileges) and, only if so, continuing with steps (b) through (g);

(b) said privileged inmate providing names and contact information of a plurality of potential visitors to an inmate-visitation, said names and contact information being provided as an input to a computer, thereby obtaining a visitation request (fig. 10, col. 4, lines 15-27, col. 7, lines 30-42, col. 9, Table 1, col. 14 and 15, Table 2,);

(c) sending, by operation of said computer, a registration request to each of said named potential visitors to obtain information about said each of said named potential visitors (col. 7, lines 30-42, limit participation to qualified participants, conferences, registration, col. 4, lines 15-27, registration of users, col. 9, Table 1);

(d) said each of said named potential visitors responding to said registration request, by operation of said computer, by providing said information about itself (col. 4, lines 15-27, col. 7, lines 30-42, col. 9, Table 1, col. 14 and 15, Table 2, business rules governing visitation privileges for prisoners and visitors);

(e) at least one of said named potential visitors receiving, by operation of said computer, a registration number uniquely identifying said at least one of said named potential visitors (col. 4, lines 15-27, col. 7, lines 30-42, col. 9, Table 1, col. 14 and 15, Table 2, business rules governing visitation privileges for prisoners and visitors);

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(f) one of said at least one of said named potential visitors proposing, by operation of said computer, a date and time for said inmate-visitation for each of said named potential visitors who received a registration number (fig. 10, col. 4, lines 15-27, col. 7, lines 30-42, col. 9, Table 1, col. 14 and 15, Table 2, business rules governing visitation privileges for prisoners and visitors); and

(g) deciding if any of said named potential visitors who received a registration number shall be disallowed to attend said visitation and communicating, by operation of said computer, said decision to all said named potential visitors having registration numbers (col. 4, lines 15-27, col. 7, lines 30-42, col. 9, Table 1, col. 14 and 15, Table 2, business rules governing visitation privileges for prisoners and visitors).

Hesse further discloses transit time allowance, which includes escort and passage through intervening check points (Table 3), and further discloses some conference stations are located in a secure area of the jail for use by visitors (*i.e. at a correctional facility in which the inmate is housed*).

Hesse may not explicitly disclose the term 'in person' with regards to means for receiving a visitation request.

Doss discloses means for receiving a meeting (*i.e. visitation*) request for an in person meeting (*i.e. in person visitation*) (see at least FIG. 1, and ¶0076 - ¶0091, which discloses choices such as "In Person" and "Video Conference" for requesting a visit type).

It would have been obvious to one of ordinary skill in the art to include in the means for receiving a visitation request for a meeting located in a secure area of the jail for use by visitors of Hesse the ability to choose an in person meeting or teleconference

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meeting request as taught by Doss since the claimed invention is merely a combination of old elements, and one of ordinary skill in the art would have recognized that it would produce a predictable result of using the system to indicate whether or not the meeting is in person, and it would have been further obvious since the systems would behave the same way whether the meeting was in person or in the same facility or with a teleconference.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Profanchik et al. (US 7,256,816 B2) teaches a system and method for scheduling and conducting audio/video communications with prison inmates.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN MILLER whose telephone number is (571)270-5288. The examiner can normally be reached on Mon - Fri, 10:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LYNDIA JASMIN can be reached on (571) 272-6782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. M./

Examiner, Art Unit 3624

/LYNDIA C JASMIN/

Supervisory Patent Examiner, Art Unit 3624